

**73-3-1. Appropriation -- Manner of acquiring water rights.**

(1) A person may acquire a right to the use of the unappropriated public waters in this state only as provided for in this title.

(2) The appropriation of public waters in the state shall comply with the requirements of this title.

(3) Except as provided in Subsection (7), a person obtaining, initiating the use of, or providing notice of intent to appropriate a water right shall comply with the requirements of this chapter.

(4) An appropriation may be made only for a useful and beneficial purpose.

(5) (a) Between appropriators, the one first in time is first in rights.

(b) A use designated by an application to appropriate any of the unappropriated waters of the state that would materially interfere with a more beneficial use of the water shall be dealt with as provided in Section 73-3-8.

(6) A person may not acquire a right to the use of water either appropriated or unappropriated by adverse use or adverse possession.

(7) Notwithstanding Section 73-3-2, a person may directly capture and store precipitation as provided in Section 73-3-1.5.

Amended by Chapter 19, 2010 General Session